to sell without so marking, apparently therefore upholding the validity of such a provision. *Haines v. People,* 7 Colo. App. 467. Legislature has the power to pass such laws as it may deem necessary to prevent deception and fraud. *People v. Arensburg,* 105 N. Y. 123.

LEGISLATION—RIGHT OF STATE TO CONTROL SPECULATION IN THEATER TICKETS.—EX PARTE QUARG, 84 PAC. 766 (CALIFORNIA).—*Held,* that a statute, prohibiting any person from selling tickets to theaters or other public places of amusement for a higher price than that originally charged by the management, is in conflict with the State Constitution which secures every person the right of "acquiring, possessing and protecting property" and therefore void. See Comment *ante.*

MANUFACTURERS—LIABILITY FOR DEFECTS IN ARTICLES MADE—WHO MAY SUE.—WATSON V. AUGUSTA BREWING COMPANY, 52 S. E. 152 (GA.).—Action to recover, from defendant, damages for injuries resulting from the swallowing of glass which the defendant had bottled up with a beverage, which he advertised as harmless and refreshing. Defendant contended that he was not liable because there was no privity of relationship between the parties, inasmuch as the beverage had not been sold directly by the defendant to the plaintiff.—*Held,* that the defendant is liable on the ground that he has violated a duty owed by him to the general public.

MASTER AND SERVANT—RAILROADS—ASSUMED RISKS.—PHIPPIN V. MISSOURI PAC. R. CO., 93 S. W. (MO.) 410.—*Held,* that where a switch-tender whose duty is to line switches so as to prevent the cornering of cars, fails to perform that duty properly, and plaintiff, whose duty is to couple such cars, is injured thereby, that plaintiff did not assume such risks, but that the negligence is that of the master.

This case shows a further limitation on the fellow-servant rule as established in *Murray v. S. C. R. Co.,* 36 A. D. (S. C.) 268 (1841) to the effect that an employer contracts with a view to all ordinary risks. This doctrine was followed in *Farwell v. Boston & Worcester Ry. Co.,* 38 A. D. (Mass.) 339, and have been adopted as the general rule. *Randall v. Baltimore & O. R. Co.,* 109 U. S. 478. With the great increase in the relationships of master and servants the hardships of the rule became apparent and statutory changes have been adopted in the various states; Colorado alone having wholly abandoned the rule. Acts of 1893, section 5. This change in Missouri was by a process of paring down the general rule, first, so as to recognize degrees of subordination among servants; *Moon v. Wabash, St. L. & P. R. Co.,* 85 Mo. 588, then reasonable care as to general conditions of employment; *Soeder v. St. Louis, I. M. & S. R. Co.,* 100 Mo. 673, and finally by statute as followed in the principal case by the exemptions as to railroads was abolished.

MASTER AND SERVANT—RAILROADS—DEFECTIVE TRACK.—ST. LOUIS, I. M. & S. RY. CO. V. MIZE, 95 S. W. 488 (ARK.).—*Held,* that a railroad company is under no obligations to its employees to repair its track provided due notice is given of such defect. Battle, J., *dissenting.*

This ruling is based on the doctrine as expressed by the maxim. *Volenti non fit injuria; O'Maley v. South Boston Gaslight Co.,* 158 Mass. 135; the interpretation of which has given rise to two schools. *Walsh v. Whildey, L.*